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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,696	02/05/2004	Shih-Ming Hwang	040-303	4897
35870	7590	03/23/2006	EXAMINER	
APEX JURIS, PLLC TRACY M HEIMS LAKE CITY CENTER, SUITE 410 12360 LAKE CITY WAY NORTHEAST SEATTLE, WA 98125			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/772,696

Applicant(s)

HWANG ET AL.

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 6 and 8-13 are objected to because of the following informalities:
 - a. Regarding claim 6, there is improper antecedent basis for “the screen” in line 2.
 - b. Regarding claim 8, there is improper antecedent basis for “the schedule” in line 6.
 - c. Regarding claims 9-13, it appears that the claims should depend from claim 8, not claim 7. To expedite prosecution, the examiner will examine claims 9-13 as if they depend from claim 8.
 - d. Regarding claim 11, it appears that “recording” in line 2 should be --receiving--.Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rolf et al., US 5,555,536 (hereinafter Rolf).
 - a. Regarding claim 1, Rolf teaches a method for implementing a function of timing and sound reminding in a voice recorder, the method comprising the following steps: (a) after initiating the voice recorder, a user pressing a mode button for setting a mode switch (“MODE

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switch,” col. 7, l. 38); (b) the user pressing the mode button for selecting a recording, going to step (c); or playing function with timer, going to step (d); (c) the user pressing the time setting button for setting a timer (col. 10, ll. 28-30); (d) the user pressing the time setting button for setting a time and date of a schedule (col. 8, ll. 57-58); (e) a central processing unit saving a recording data into a memory according to the setting of the switch of the menu after identification, or reading the recording data in the memory for playing of the data after receiving a notice signal (col. 2, ll. 46-47).

b. Regarding claim 2, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the timer of step (c) being capable of programming the period of the timer by a number that the user presses the setting button (see buttons on timer, Fig. 9).

c. Regarding claim 3, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the period of the timer is 1, 3, 10, 20 or 30 minutes (“preselected amount of time,” col. 10, ll. 29-30; the preselected amount of time preselected by the user can be 1, 3, 10, 20 or 30 minutes).

d. Regarding claim 4, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the notice signal in step (e) being an alert sounded like “gi” “gi” generated from a beeper directed by the central processing unit (speaker 22, Fig. 2, generates sound).

e. Regarding claim 5, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the notice signal in step (e) being a vibration notice signal

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generated from a vibrator directed by the central processing unit (speaker 22, Fig. 2, produces sound, which is also a vibration).

f. Regarding claim 6, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the notice signal in step (e) is displayed on the screen of LCD by the central processing unit ("liquid crystal display," col. 4, l. 52).

g. Regarding claim 7, Rolf teaches all that is claimed as discussed in the rejection of claim 1 above. Rolf also teaches wherein the notice signal in step (e) is a twinkling light of LED controlled by the central processing unit ("light emitting diodes," col. 4, ll. 52-53).

h. Regarding claim 8, Rolf teaches a voice recorder with sound reminder comprising: a central processing unit (30, Fig. 2) for managing and controlling a whole calendar of the voice recorder, and for managing and moving the action of peripheral modules and signal data by reading the schedule and event preliminarily set in the switch module; or displaying a part of the schedule or event of the whole calendar of the voice recorder by a display module (12, Fig. 2), or playing a voiceprint data pointed by the central processing unit through a speaker module (22, Fig. 2); a time controlling circuit (30, Fig. 2) comparing whether or not the planning time of the schedule being consistent with the present time; a switch module (30, Fig. 2), the output of the switch module connecting to the central processing unit, and the switch module comprising a Read Only Memory (ROM) (32, Fig. 2) having a software program preliminary burned therein, and the central processing unit implementing the function of recording, playing, alert or sound reminding by the software program; a memory module (18, Fig. 2), the memory module changing the data thereof only when the central processing unit providing a voltage thereon, and

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the memory module being controlled by the central processing unit for saving the data therein or reading the data by the central processing unit; a voice recording module (18, Fig. 2) for collecting voiceprint data and transferring the voiceprint data to a digital signal and inputting the digital signal to the central processing unit; a speaker and vibration module controlled by the central processing unit for transferring the digital signal input from the central processing unit to an acoustic wave and broadcasting outward; a display module (12, Fig. 2) controlled by the central processing unit for displaying the digital signal input from the central processing unit via LCD or LED (col. 4, ll. 51-53); a recording/playing circuit (18, Fig. 2) being a hardware device for the central processing unit implementing the recording function and transferring the recorded voice to digitized data and saving the data in a Random Access Memory (RAM) (“utilize digital technology in place of cassettes to store voice data and other audio data,” col. 1, ll. 39-43).

i. Regarding claim 9, Rolf teaches all that is claimed as discussed in the rejection of claim 8 above. Rolf also teaches wherein the speaker and vibration module is a horn (22, Fig. 2; a speaker is a “horn,” i.e. usually electrical device that makes a noise like that of a horn).

j. Regarding claim 10, Rolf teaches all that is claimed as discussed in the rejection of claim 8 above. Rolf also teaches wherein the speaker and vibration module is a vibrator (22, Fig. 2; a speaker creates vibrations that the ear interprets as sound).

k. Regarding claim 11, Rolf teaches all that is claimed as discussed in the rejection of claim 8 above. Rolf also teaches wherein the voice receiving module is a microphone (20, Fig. 2).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolf in view of Treyz et al., US 6,678,215 (hereinafter Treyz).

a. Regarding claim 12:

Rolf teaches all that is claimed as discussed in the rejection of claim 8 above.

Rolf does not teach wherein the voice recorder connects to a personal computer via a USB transmission port for transmitting data.

Treyz teaches a digital audio device, including an alarm clock radio or other audio device (12, Fig. 1; col. 8, ll. 32-40), with a USB connection (col. 10, ll. 25-31) for transferring data.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rolf to include a USB transmission port as taught by Treyz, because a person having ordinary skill in the art would recognize that a USB port would allow a user to import schedule data from other devices, thereby increasing the functionality and commercial desirability of the device.

b. Regarding claim 13:

Rolf teaches all that is claimed as discussed in the rejection of claim 8 above.

Rolf does not teach wherein the voice recorder connects to a personal computer via an infrared transmission interface for transmitting data.

Treyz teaches a digital audio device, including an alarm clock radio or other audio device (12, Fig. 1; col. 8, ll. 32-40), with an infrared connection (col. 10, ll. 1-24) for transferring data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rolf to include an infrared transmission interface as taught by Treyz, because a person having ordinary skill in the art would recognize that a USB port would allow a user to import schedule data from other devices, thereby increasing the functionality and commercial desirability of the device.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
15 March 2006



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